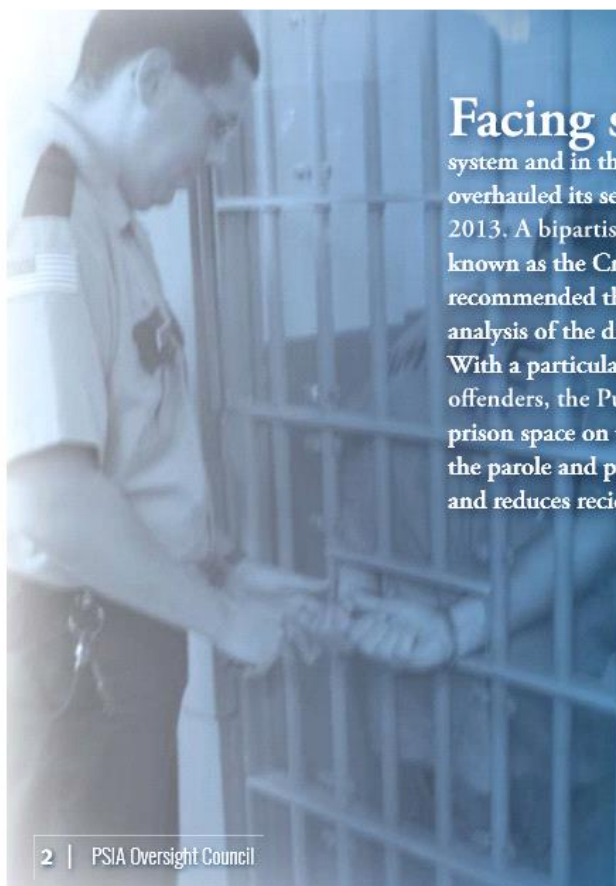






This report is dedicated to the men,  
women, and organizations tirelessly  
working for a safer South Dakota.

SOUTH DAKOTA  
PUBLIC SAFETY IMPROVEMENT ACT  
**2015 Annual Report**



**Facing sharp growth** in its prison system and in the associated costs, South Dakota overhauled its sentencing and corrections policies in 2013. A bipartisan, inter-branch group of state officials known as the Criminal Justice Work Group, recommended the reforms after conducting a rigorous analysis of the drivers of the state's prison population. With a particular emphasis on substance-abusing offenders, the Public Safety Improvement Act re-focuses prison space on violent and career criminals, improves the parole and probation system and victim's services, and reduces recidivism.



Governor Dennis Daugaard signs the Public Safety Improvement Act into law February 6, 2013.

*Dennis Daugaard*

November 2015

Pursuant to the Public Safety Improvement Act, (SB 70 2013), this annual report is hereby submitted to the people and leaders of South Dakota. Although the reforms are still in their infancy and it is too early to call the Public Safety Improvement Act (PSIA) an irrefutable success, the two-year returns foreshadow the coming victories.

The Workgroup and Oversight Council have had the privilege of collaborating with the Department of Corrections (DOC), the Department of Social Services (DSS), the Attorney General's Office, and the Unified Judicial System (UJS) to implement, oversee, and monitor the reforms that came as a result of the PSIA. As required by the Act, the following annual report is a compilation of the performance measures from the key agencies. Success comes as a result of their countless hours of work and diligence to ensure the fidelity of the PSIA.

South Dakota received assistance through Phase II of the Justice Reinvestment Initiative, a program of the U.S. Department of Justice's Bureau of Justice Assistance (BJA). The Oversight Council thanks the Pew Charitable Trusts, the Crime and Justice Institute, and BJA for their unrelenting support for criminal justice policy reforms in South Dakota.

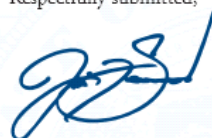
One of the central tenets of the reform was to supervise more nonviolent offenders in the community and do so in a manner to hold them more accountable. The Oversight Council is pleased to see the progress thus far.

Rather than building new prisons, we note that the prison population has decreased, the community interventions have been put in place, we have many more citizens in alternative courts such as DUI and drug court, and probation supervision in the community has increased.

This has all been accomplished while also relying less on county jails and saving millions at the local level with the elimination of certain hearings. Most importantly, it appears public safety is increasing, as the recent FBI crime report and SD Attorney General's crime report both show that the crime rate has not increased since the PSIA's passage.

There is still much work to be done, but early indications show implementation is near complete and the reforms are working as intended.

Respectfully submitted,



Jim D. Seward  
Chairman, Public Safety Improvement Act Oversight Council  
General Counsel  
Office of Governor Daugaard

## Early Significant Results

***The overall prison population declined, exceeding the projected impact of the PSIA.***

- The parole success rate increased from 37 percent of offenders in FY 12 to 60 percent in FY 14 and to 65 percent in FY 15.
- The state's drug court capacity increased from accommodating 45 participants in FY 2011 to accommodating 245 participants in FY 2015.
- Felony probation in the community increased 18 percent this fiscal year.
- Over 500 children belong to a parent that is enrolled in drug or DUI court.
- Earned-discharge credits established by the PSIA allowed many parolees to reduce their periods of supervision through compliance and good performance. The overall number of South Dakota parolees declined almost 10 percent between June 2013 and June 2015, while the average caseload per parole agent declined almost 18 percent, from 68 in June 2013 to 56 in June 2015. This allows agents to focus more time on those most likely to reoffend.
- The reliance on county jail bed days from direct county jail felony sentences decreased 27 percent.

### 4 | PSIA Oversight Council

• The PSIA established a pilot program allowing the Sisseton Wahpeton Oyate tribe to supervise enrolled parolees on the reservation with the aid, funding, and direction of DOC. As of June 30, 2015, 97 percent of offenders in the pilot program did not abscond or have a parole violation report submitted while under case supervision and wellness team oversight.

- Probation caseloads have increased from nearly 74 unique probationers per court officer in FY 14 to nearly 78 per court service officer in FY 15.

***The female prison population decreased nearly 16 percent since passage.***

- Before passage of the PSIA, 43 states in the nation did not require preliminary hearings for class 1 misdemeanors. South Dakota was among one of the few remaining states where these hearings consumed the time of judges, prosecutors, and law enforcement officers. The legislature approved this change to free up more time for the above entities to focus more attention on drug and DUI courts and hold nonviolent offenders more accountable. The PSIA eliminated over 21,000 preliminary hearings this fiscal year, and eliminated a total of 43,000 hearings since the Act's passage. Those 43,000 hearings would have cost the county, city, and local law enforcement agencies in excess of \$3 million in staff time. This does not take into account savings to counties for the cost of prosecution and defense.






## ***Before the Public Safety Improvement Act***

Between 1977 and 2013, South Dakota's prison population grew more than 500 percent. The state expected future growth of 25 percent through 2022.

Without policy changes, state corrections growth would have required the construction of two new prisons over 10 years.

Between 2001 and 2011, South Dakota's imprisonment rate rose faster than the national average, even as its crime rate fell at a much slower rate. During the same period, spending on corrections outpaced increases in all other major areas except Medicaid.

**South Dakota  
State Penitentiary**

 SOUTH DAKOTA DEPT. OF CORRECTIONS  
2015 Annual Report | 5

## Prison Population

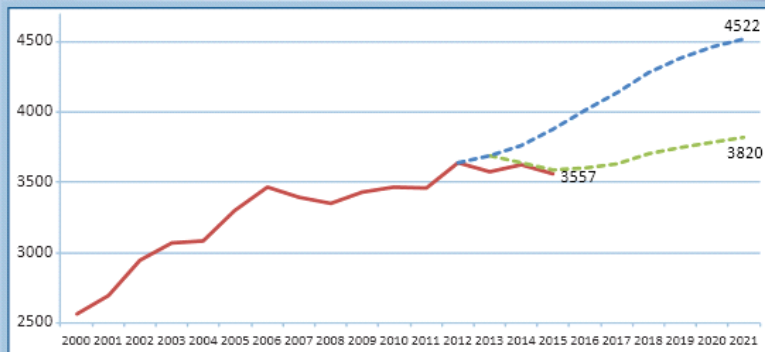
Total Population					
Date of Population	Male	Female	Actual Population	PEW Performance Goal	PEW Projected Without Changes
6/30/2009	3,037	394	3,431		
6/30/2010	3,079	387	3,466		
6/30/2011	3,039	416	3,455		
6/30/2012	3,222	419	3,641		
6/30/2013	3,158	418	3,576	3,686	3,686
6/30/2014	3,195	429	3,624	3,636	3,760
6/30/2015	3,163	394	3,557	3,591	3,874
6/30/2016				3,601	4,013
6/30/2017				3,628	4,136
6/30/2018				3,704	4,282

### PSIA Goal

- Reduce corrections spending by focusing prison space on violent, chronic, and career criminals.

### Key Takeaways

- The overall prison population reduction exceeded the projected impact of the PSIA.

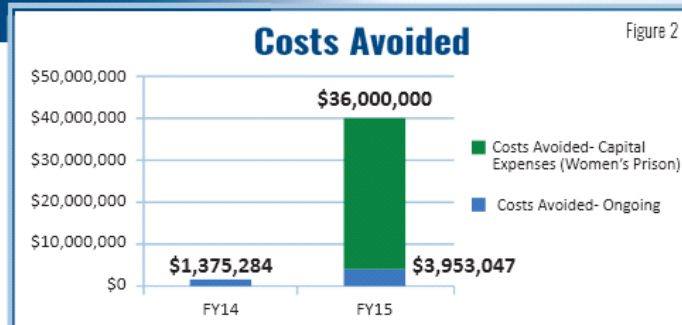
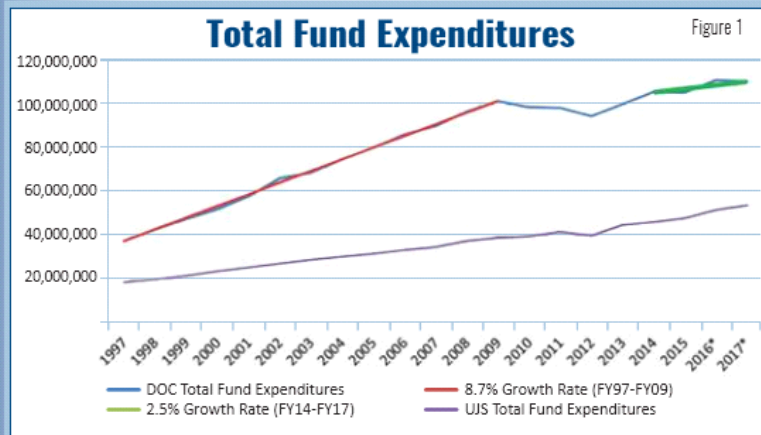


*As of June 30, 2015 there were 76 parole detainees and 152 paroles in the Community Transition Program (CTP) included in the 3,557 count, or 3,329 traditional inmates.*

— Actual Prison Population  
 --- PEW Performance Goal  
 --- PEW Projected Without Changes

Figure 1 depicts the DOC expenditures with an 8.7% growth rate for FY 97-09 and a 2.5% growth for FY 14-17. The UJS growth rate for FY 97-09 was 6.5% and the growth rate for FY 14-17 was 4.5%.

The volatility between FY 09-FY 12 is related to the American Recovery and Reinvestment Act. During this time, approximately \$9 million of federal funds replaced DOC general funds. Statewide budget cuts occurred in FY 12, with general fund increases beginning in FY 13. FY 97-FY 15 shows actual expenditures, FY16 shows the legislative appropriated budget, and FY17 shows the agency requested budget.

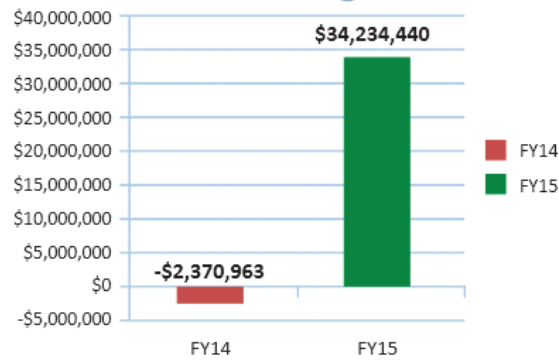


**Figure 2 shows the costs avoided for FY 14 and FY 15. In FY 14, the state avoided \$1,375,284 in ongoing costs. In FY 15, the state avoided \$3,953,047 ongoing costs, and avoided the construction of a new \$36 million women's prison.**



### Net Savings

Figure 3



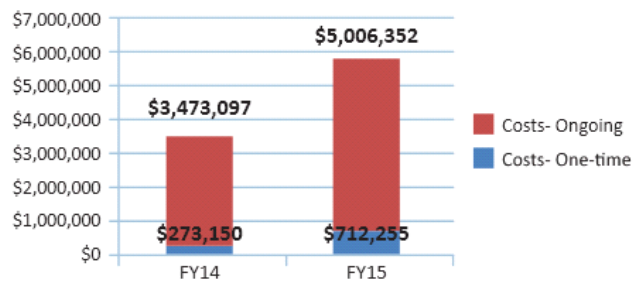
*As displayed in Figure 3, the state had a net savings of -\$2,370,963 in FY 14. In FY 15, the net savings was \$34,234,440.*

As indicated in Figure 4, the ongoing costs for FY 14 were \$3,473,097 and the one-time costs were \$273,150.

In FY 15, the ongoing costs were \$5,006,352 and the one-time costs were \$712,255.

### Costs

Figure 4



## Parole Population

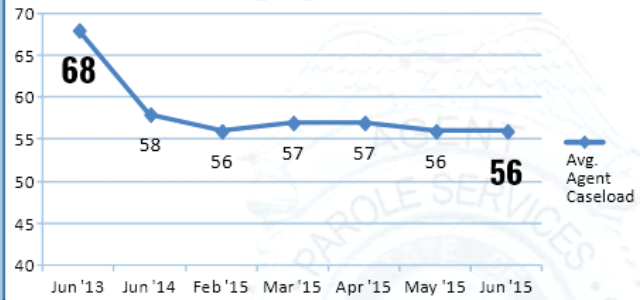
### PSIA Goal

- Hold offenders more accountable by strengthening community supervision.

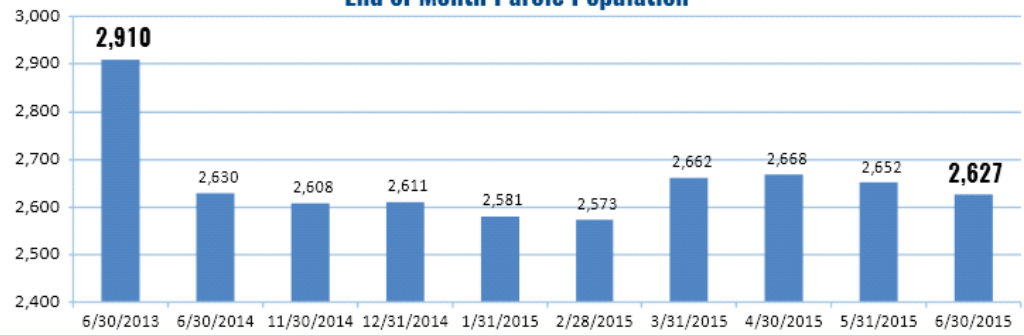
### Key Takeaways

- Agent caseloads sustained lower numbers through FY 15, allowing agents to focus on more high risk offenders.
- Parole sustained lower population through FY 15.

### Average Agent Caseload



### End of Month Parole Population



## Earned Discharge Credits (Parole)

### PSIA Goal

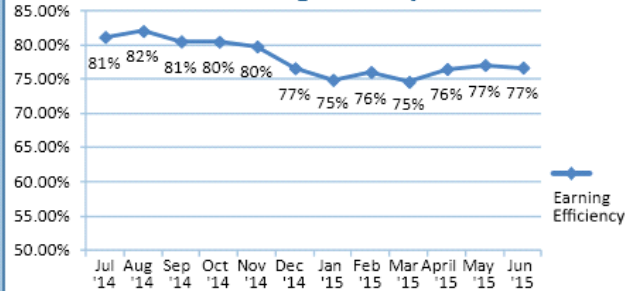
- Reduce corrections spending and focus prison space on violent, chronic, and career criminals.
- Hold offenders more accountable by strengthening community supervision.

### Key Takeaways

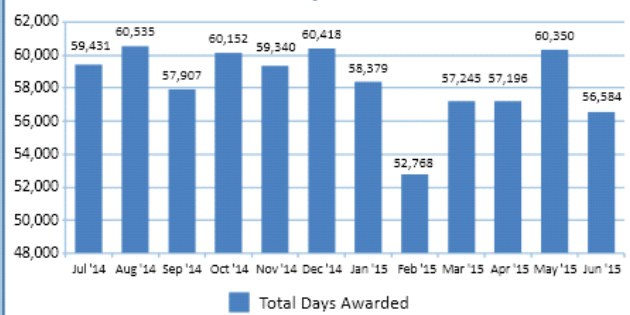
- More than three in four parolees earned discharge credits through compliant supervision.
- A total of 1,917 years-- 700,305 days-- of unnecessary supervision were discharged just last year.
- Since the implementation of the PSIA, 3,993 years were earned through EDC credits, allowing Parole Agents to focus more attention on those offenders more likely to reoffend.

*Earning efficiency measures the effectiveness of the program based on those eligible for participation.*

### Earning Efficiency



### Total Days Awarded



## Earned Discharge Credits (Probation)

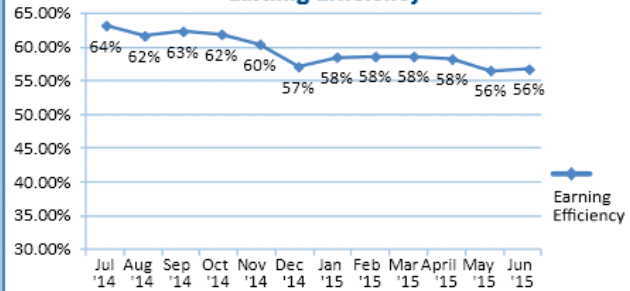
### Goal

#### PSIA Goal

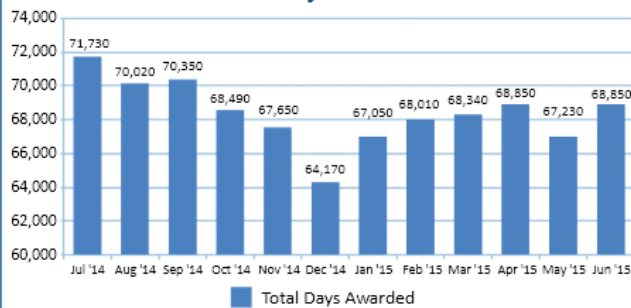
- Focus supervision on high-risk offenders.
- Hold offenders more accountable by strengthening community supervision.

*Earning efficiency measures the effectiveness of the program based on those eligible for participation.*

#### Earning Efficiency



#### Total Days Awarded



#### Key Takeaways

- A total of 2,247 years - 820,740 days - of unnecessary supervision were discharged in FY 15.
- Since the implementation of the PSIA, 4,164 years were earned through EDC credits, allowing Court Service Officers to focus more attention on those offenders more likely to reoffend.

## Prison Admission Composition

### PSIA Goal

- Reduce corrections spending by focusing prison space on violent, chronic, and career criminals.

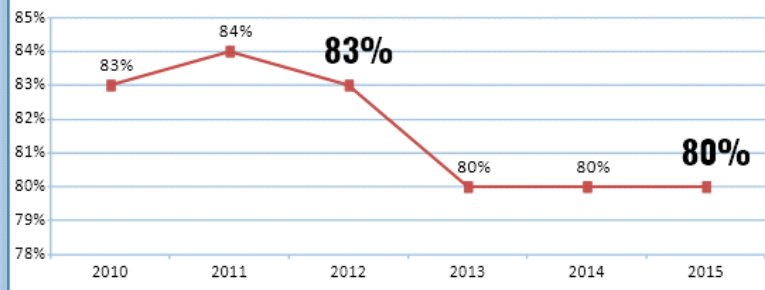
### Key Takeaways

- The percentage of prison admissions for new commitments or probation violations decreased in FY 15.
- The percentage of prison admissions for parole violations went down eight percentage points from FY 13 to FY 15.

Date (FY)	Male New Commits/ Probation Violators	Male Parole Violators	Female New Commits/ Probation Violators	Female Parole Violators	Total New Commits/ Probation Violators	Total Parole Violators
2010	35%	24%	53%	26%	37%	24%
2011	37%	20%	57%	19%	39%	20%
2012	33%	26%	54%	28%	36%	26%
2013	35%	24%	47%	32%	37%	25%
2014	36%	23%	47%	28%	38%	24%
2015	33%	16%	42%	21%	35%	17%

This chart is based on court committals, which is both probation violations and new commits. The number of probation violation admits was 423 in FY 14 and 426 in FY 15.

### Non-Violent Commitment Trend



The number of parole violators went down 41% from FY 12 (869) to FY 15 (513).

There were 1069 court commits in FY 15 and 857 were nonviolent (80.1%).

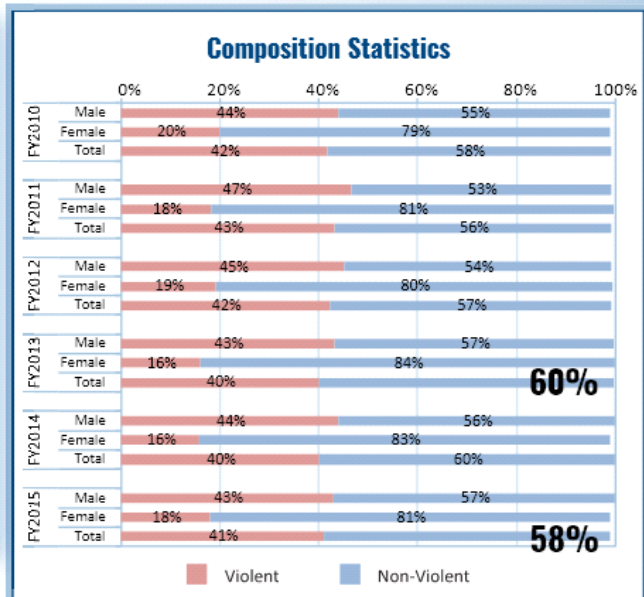
— New/Probation Violation Commit Nonviolent Offenders



## Prison Composition

Fiscal Year		Violent	Non-Violent
FY2010	Male	44%	55%
	Female	20%	79%
	Total	42%	58%
FY2011	Male	47%	53%
	Female	18%	81%
	Total	43%	56%
FY2012	Male	45%	54%
	Female	19%	80%
	Total	42%	57%
FY2013	Male	43%	56%
	Female	16%	83%
	Total	40%	60%
FY2014	Male	44%	56%
	Female	16%	83%
	Total	40%	60%
FY2015	Male	43%	57%
	Female	18%	81%
	Total	41%	58%

This page shows overall prison population at the end of the fiscal year, not admissions.



### PSIA Goal

- Reduce corrections spending by focusing prison space on violent, chronic, and career criminals.

### Key Takeaways

- The percentage of nonviolent offenders in prison declined by two percentage points during FY 15.

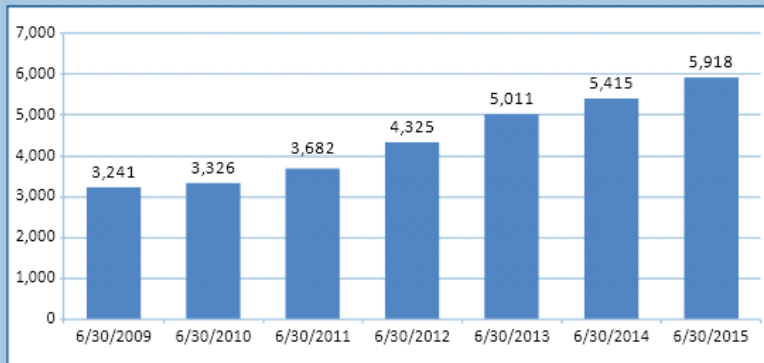
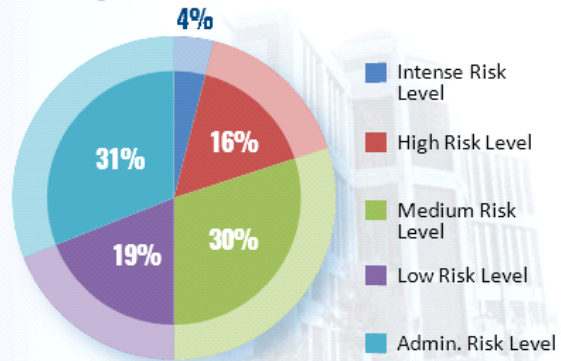
## Probation Population

### PSIA Goal

- Focus supervision on high-risk offenders and provide specialized programs and services to improve outcomes.

### Key Takeaways

- Felony probation in the community increased 18 percent. South Dakota's local residents who are nonviolent were held accountable in their own communities through increased use of drug and DUI courts, HOPE probation, and evidence informed probation supervision.



**PSIA became effective July 1, 2014.**

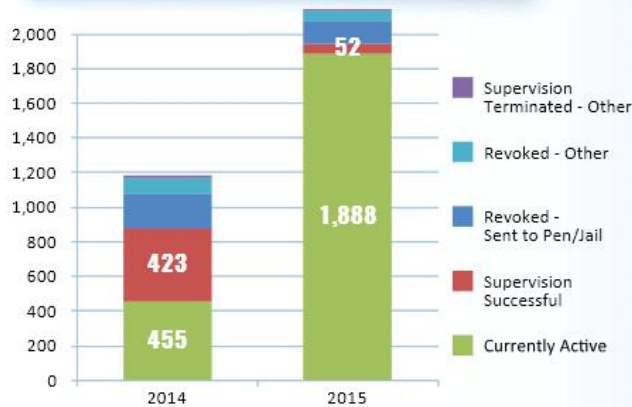
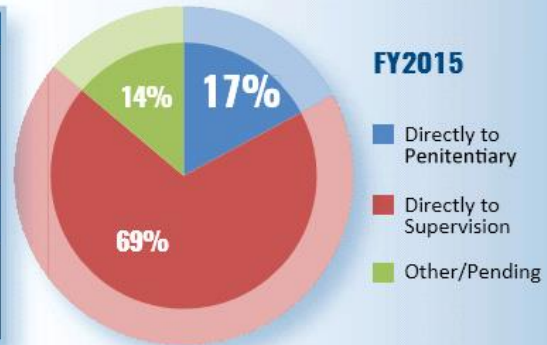
**Average CSO Caseload for FY 14 was 73.65 probationers and FY 15 was 77.73 probationers.**

■ Felony Probationers

## Presumptive Probation

Class 5/6 Felony Population Through May 2015					
Fiscal Year of Admission	Convictions	Directly to Penitentiary	Directly to Supervision		
2014	1,734	495	1,184		
2015	3,109	531	2,148		
Fiscal Year of Admission	Currently Active	Supervision Successful	Supervision Terminated - Other	Revoked - Sent to Pen/Jail	Revoked-Other
2014	455	423	21	198	87
2015	1,888	52	7	134	67

This dataset does not represent final outcomes.



### PSIA Goal

- Focus supervision on high-risk offenders and provide specialized programs and services to improve outcomes.

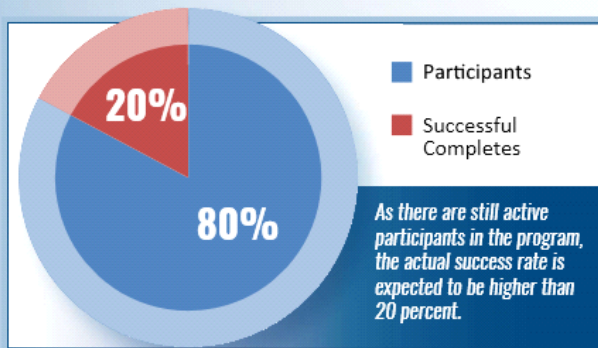
### Key Takeaways

- Judges departed from presumptive probation only 17 percent of time in FY 15. This represents a 12 percent reduction from FY 14. This exceeded the projection of a 20 percent departure rate.

## Probation - HOPE Pilot

Location and Date Range (FY)	Participants	1-2 Non-Jail Sanctions	3+ Non-Jail Sanctions	Jail Sanctions	Total Jail Days	Missed Appts.	Positive UA's	Successful Completes	Recidivism
Brown County FY14*	1	1	0	1	1	0	0	0	0
Walworth County FY14*	9	3	3	8	12	0	22	1	1
Brown County FY15*	12	5	5	13	20	1	28	1	1
Walworth County FY15*	19	9	5	16	21	3	19	8	0
Charles Mix FY15	4	0	0	0	0	0	0	0	0
Edmunds FY15	1	0	0	0	0	0	0	1	0
Gregory/Tripp FY15	7	3	1	6	6	0	8	0	0
<b>STATE TOTALS</b>	<b>53</b>	<b>21</b>	<b>14</b>	<b>44</b>	<b>60</b>	<b>4</b>	<b>77</b>	<b>11</b>	<b>2</b>

\* 2014 data is taken from January 2014 through June 2014. \* 2015 data is taken from start of the fiscal year to June 2015.



### PSIA Goal

- Hold offenders more accountable by strengthening community supervision.

### Key Takeaways

- People have been held accountable on probation in the community, rather than prison, with frequent, random urine analysis, testing, and probation supervision.
- Early pilot data shows use of few county jail bed days and a high success rate.

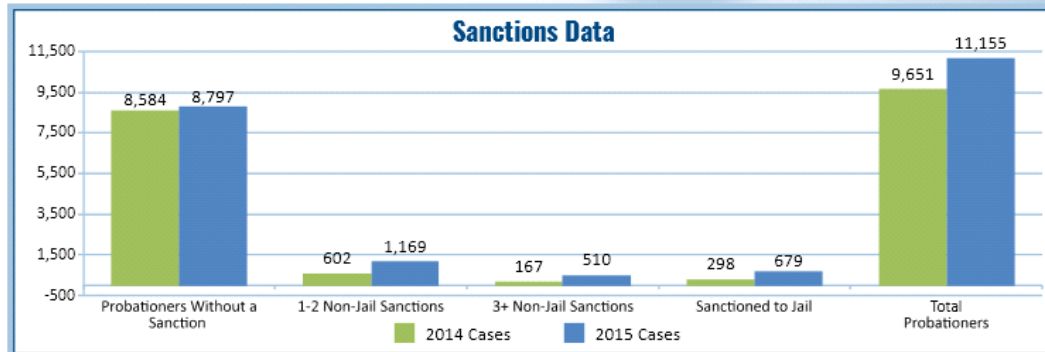
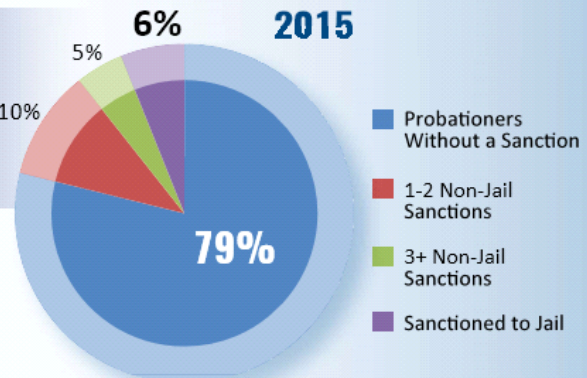
## Probation Sanctions

### PSIA Goal

- Focus supervision on high-risk offenders and provide specialized programs and services to improve outcomes.

### Key Takeaways

- 79% of probationers received no sanctions during FY 15.
- Just 6% of probationers received a jail sanction in FY 15.





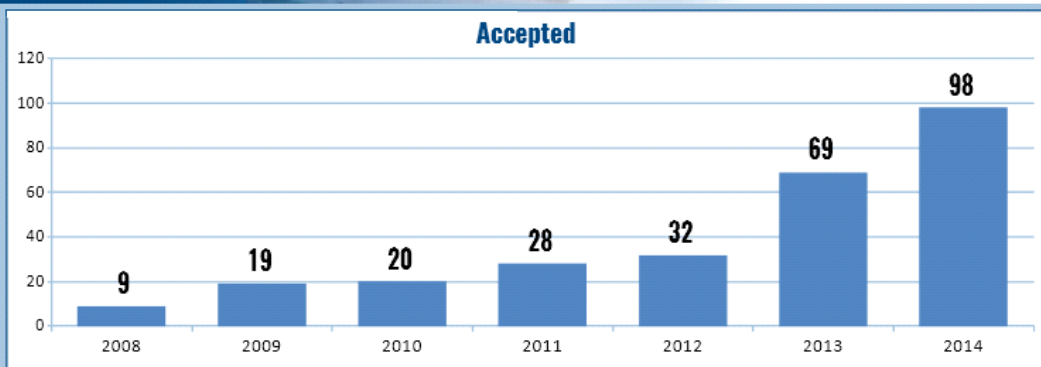
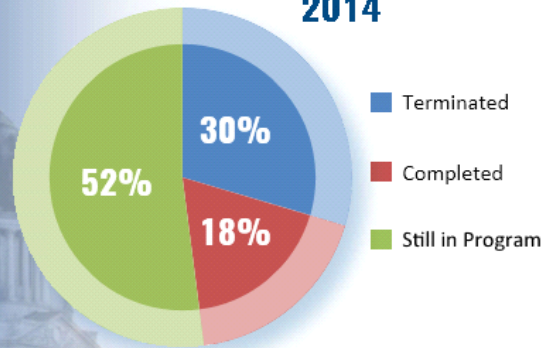
## Probation - Drug/DUI Courts

### PSIA Goal

- Focus supervision on high-risk offenders and provide specialized programs and services to improve outcomes.
- Increase drug court capacity to 245 in FY 15.

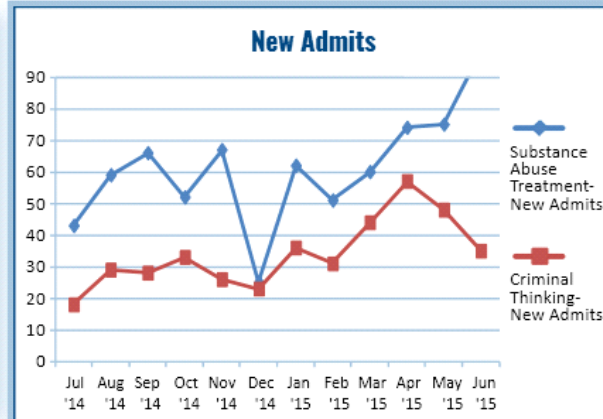
### Key Takeaways

- Statewide capacity increased 500 percent since 2011 to 245, meeting the goal of the PSIA.
- Participants continue to increase, but data from recent years is incomplete as most participants continue to work through the program.



## Substance Abuse/Criminal Thinking

Month	Substance Abuse Treatment - New Admits	Substance Abuse Treatment - Completions	Criminal Thinking- New Admits	Criminal Thinking- Completions
Jul '14	43	16	18	2
Aug '14	59	7	29	3
Sep '14	66	30	28	4
Oct '14	52	22	33	4
Nov '14	67	17	26	9
Dec '14	25	22	23	7
Jan '15	62	28	36	5
Feb '15	51	35	31	10
Mar '15	60	26	44	9
Apr '15	74	33	57	11
May '15	75	16	48	11
Jun '15	98	50	35	11

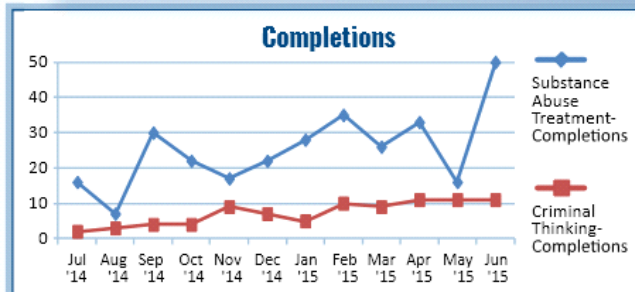


### PSIA Goal

- Focus supervision on high-risk offenders and provide specialized programs and services to improve outcomes.

### Key Takeaways

- Admissions to treatment programs continued to increase.
- FY 15 had record high completions, with 102 participants finishing their program.

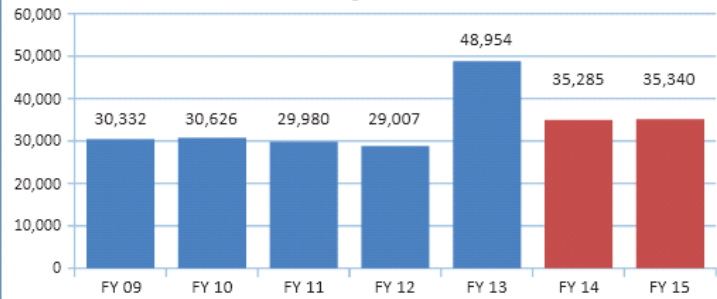


**Figure 1 depicts the total number of days spent in jail for felony sentencing as reported by the UJS.**

**The bars in red depict the fiscal years that were impacted by the PSIA.**

### Statewide Total Jail Time for Felony Sentencing

Figure 1



### Average County Jail Time Per Sentence for Felony Sentencing

Figure 2

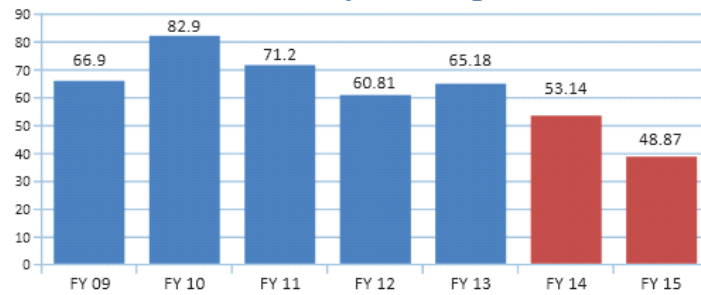


Figure 2 shows the average county jail time per sentence for felony sentences. This graph excludes county jail sentences where the time to be served is entirely suspended and any days received as credit for time-served prior to sentencing. While Figure 1 shows that the statewide total jail time for felony sentencing increased since the passage of PSIA, the average time spent in jail per felony sentencing actually decreased.

## Members of the Oversight Council

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**Jim Seward (Chair)**

*Governor's Office*

**Bruce Hubbard**

*Defense Attorney*

**Judge Jeff Davis**

*Seventh Judicial Circuit*

**Laurie Feiler**

*Dept. of Corrections*

**Sen. Jim Bradford**

*State Senator*

**Aaron McGowan**

*Minnehaha Co. State's Attorney*

**Amy Iversen-Pollreis**

*Dept. of Social Services*

**Judge Patricia Riepel**

*Second Judicial Circuit*

**Greg Sattizahn**

*Unified Judicial System*

**Rep. Jacqueline Sly**

*State Representative*

**Mark Smith**

*Board of Pardons & Paroles*

**Rep. Karen Soli**

*State Representative*

**Sen. Craig Tieszen**

*State Senator*

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*To view the full report, performance measures, and appendices, please visit:*

**[www.psia.sd.gov](http://www.psia.sd.gov)**

SOUTH DAKOTA  
PUBLIC SAFETY IMPROVEMENT ACT  
**2015 Annual Report**

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